purpose of obtaining such property on credit." (32 STAT. AT L. 797, 1909 COMP. STAT. SUPP. 1310.) The lower court granted an order refusing to discharge the bankrupt. *Held*, that the order be reversed. *Matter of Oliner*, 262 Fed. 734 (C. C. A.).

The license to continue banking operations was not obtained "on credit" within the meaning of the act. See *In re Tanner*, 192 Fed. 572. Nor does the act apply unless the false statements are made to the persons from whom the property is obtained. *Matter of Napier*, 23 A. B. R. 560; *In re Foster*, 186 Fed. 254. And the same result has been reached under the more liberal language of the 1910 amendment of the Bankruptcy Act. *In re Zoffer*, 211 Fed. 936. See 36 STAT. AT L. 839, 1918 COMP. STAT. § 9598. This last case held that a false statement made by a debtor to a mercantile agency merely to obtain a credit rating and unrequested by the creditor will not bar the bankrupt's discharge. And the creditor who acts on the strength of the credit rating would be more directly relying on the false statement of the bankrupt than would the depositor in the principal case, who may never have known of the bank license. Cases reaching an opposite result, where the bankrupt makes the false statement to the mercantile agency, intending that the creditor shall act thereon, are to be explained on the ground that the mercantile agency is really an agent either of the creditor or of the bankrupt. See *In re Pincus*, 147 Fed. 621; *In re Cloutier Bros.*, 228 Fed. 569. See, also, *In re Dresser*, 146 Fed. 383. But the State Comptroller was obviously an agent of neither party. Whether or not the result of the principal case is on principle altogether desirable, it is submitted that it is right as a matter of statutory construction.

CARRIERS — PASSENGERS — DUTY TO PASSENGER TAKEN SICK *EN ROUTE*. — Deceased boarded the defendant's open trolley car sober and apparently in good health. Soon thereafter he became sick and eventually unconscious. The conductor, thinking deceased drunk, with the advice of a superior official of the company, permitted deceased to remain on the trolley, during its trips, for five hours. Deceased died the next day of cerebral hemorrhage. His administratrix now sues the trolley company for negligence. The trial court instructed that if the conductor honestly believed that deceased was drunk, and, acting on that belief, used ordinary prudence under the circumstances, the defendant should not be liable. *Held*, that this instruction was erroneous. *Middleton* v. *Third Ave. Ry. Co.*, 192 App. Div. 172, 182 N. Y. Supp. 598.

It has been said the carrier's relation to its passengers is founded on mere courtesy. See *New Orleans, Jackson, & Great Northern Ry. Co.* v. *Statham*, 42 Miss. 607, 614. This view is unsustainable. See 2 HUTCHINSON, CARRIERS, 3 ed. § 992. A carrier has a genuine duty to give passengers taken sick en route such reasonable care as its functioning as carrier permits. *McCann* v. *Newark & S. O. Ry. Co.*, 58 N. J. L. 642, 34 Atl. 1052; *Wells* v. *N. Y. Central & Hudson River R. R. Co.*, 49 N. Y. Supp. 510, 25 App. Div. 365. If it has undertaken an affirmative act with regard to the sick passenger, it has clearly a duty of care. *Paddock* v. *Atchison, T. & S. F. R. R. Co.*, 37 Fed. 841; *St. Louis, I. M. & S. Ry. Co.* v. *Woodruff*, 89 Ark. 9, 115 S. W. 953. Beyond this, some abnormal condition of a passenger having come to the carrier's notice, it has an affirmative duty to act with due care under the circumstances as regards this condition. *Middleton* v. *Whitridge*, 213 N. Y. 499, 108 N. E. 192. Liability cannot attach unless the carrier is actually aware of this condition. *Hollingsworth* v. *Southern Ry.*, 72 S. C. 114, 51 S. E. 560. Whether due care is then employed is not a question of the conductor's "honest belief" (as the trial court instructed). Nor of holding "a street railway employee responsible for a correct medical diagnosis." *Middleton* v. *Whitridge*, 156 App. Div. 154, 141 N. Y. Supp. 104. As the principal case declares, it is a question of fact for the jury.

Deceased died in 1910; these parties are now for a sixth time in court. Yet the case calls merely for the application of a universally acknowledged rule. It perfectly exemplifies the need of reorganizing the judiciary with a view to decreasing and disposing of litigation. See A. W. Scott, "Progress of the Law: Civil Procedure," 33 HARV. L. REV. 238. Based on an examination of twenty thousand California cases, a despairing writer intimates it might be socially more desirable if the Federal Court decided each personal injury case as soon as filed by rolling dice, rather than by taking fifteen months to reach an absolutely just decision. See S. B. Warner, "Procedural Delay in California," 8 CAL. L. REV. 369. The principal case outherods Herod.

CONSTITUTIONAL LAW — DUE PROCESS OF LAW — RIGHTS OF INNOCENT OWNER UNDER STATUTORY FORFEITURE. — A Virginia statute provides that an automobile caught carrying intoxicating liquor shall be forfeited to the state. (1918 ACTS, 612.) A chauffeur in the District of Columbia was instructed to take his master's car to a garage. Instead of doing so, he drove into Virginia, becoming at once a thief by the law of the District of Columbia. He was arrested in Virginia carrying prohibited liquor in the car. It was admitted that the owner was ignorant of the unlawful use, and was in the exercise of due care. *Held*, that the automobile was forfeited, notwithstanding the innocence of the owner. *Buchholz* v. *Commonwealth*, 102 S. E. 760 (Va.).

For a discussion of the principles involved in this case, see NOTES, p. 200, *supra*.

CONSTITUTIONAL LAW — DUE PROCESS OF LAW — WHAT SATISFIES THE PUBLIC PURPOSE REQUIRED IN TAXATION. — The Supreme Court of North Dakota had sustained, as constitutional, taxes for the purpose of a state bank, loans on real estate, state flour mills, and state-built homes. *Held*, that the judgment should be affirmed. *Green* v. *Frazier*, U. S. Sup. Ct., October Term, 1919, No. 811.

For a discussion of this case, see NOTES, p. 207, *supra*.

CONSTITUTIONAL LAW — *EX POST FACTO* AND RETROACTIVE LAWS — LAW VALIDATING UNAUTHORIZED COLLECTION OF CANAL TOLLS. — The defendant board maintained certain canals, which were used by the plaintiff's boats. The legislature had failed to grant to the board the power to charge tolls. The board nevertheless required the plaintiff to pay tolls for using the canals. The plaintiff paid under protest, and later brought suit to recover the money so paid. Thereafter the legislature passed a statute which retroactively authorized the collection of the tolls. *Held*, that the statute is constitutional. *Board of Commissioners of Everglades Drainage District* v. *Forbes Pioneer Boat Line*, 86 So. 199 (Fla.).

The federal constitution does not prohibit retrospective legislation as such. *League* v. *Texas*, 184 U. S. 156. The provision forbidding *ex post facto* laws applies only to criminal statutes. *Calder* v. *Bull*, 3 Dall. (U. S.) 386. However, a retrospective state law impairing the obligations of contracts is invalid. *Sturges* v. *Crowninshield*, 4 Wheat. (U. S.) 122. But this applies only to true contracts, based on the assent of the parties. *Freeland* v. *Williams*, 131 U. S. 405. The principal case involves only a quasi-contractual right, and hence no question of impairing the obligations of contracts can arise. See *State* v. *New Orleans*, 38 La. Ann. 119. A further limitation upon the power of the states to pass retrospective laws is found in the provisions of the Fourteenth Amendment. See *White* v. *Crump*, 19 W. Va. 583, 592. These provisions protect vested property rights. *Grigsby* v. *Peak*, 57 Tex. 142. A legal right of action is property, and is protected. *Osborn* v. *Nicholson*, 13 Wall. (U. S.) 654. See *Pritchard* v. *Norton*, 106 U. S. 124, 132. But even if a claim be regarded as a